UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/543,381	04/05/2000	Michael C. Chen	KTI-001	7208

5073	7590	04/01/2005

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

EXAMINER
VANDERPUYE, KENNETH N

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _16, 18-24, 28-62_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) _28-41 and 55-62_ is/are allowed.
6)☒ Claim(s) _16,22-24 and 42-54_ is/are rejected.
7)☒ Claim(s) _18-21 and 52_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____ .
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C.
112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly.
> claiming the subject matter which the applicant regards as his invention.

Claims 53-54 rejected under 35 U.S.C. 112, second paragraph, as
being indefinite for failing to particularly point out and distinctly claim the
subject matter which applicant regards as the invention. It is not clear what
the difference is between a first network, a second network and the circuit
network. Are there three networks?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35
U.S.C. 102 that form the basis for the rejections under this section made in
this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

Claims 16, 42 are rejected under 35 U.S.C. 102(e) as being

anticipated by Williams et al.(6,192,045).

With regards to claim 16, Williams teaches a method comprising the

steps of: receiving a code from a first station at a second station, wherein

the code uniquely identifies the first station;(col. 2 lines 48-50, ANI contains

the originating computers phone number) establishing a communication

channel between the first station and a data network having a network

server, the network server assigning a data network address to the first

station;(ISP has a gateway server that inherently dynamically assigns and

IP address to the first station for access to the internet), identifying at the

second station, the data network address of the first station based at least

in part upon the code(identification of IP address associated with the ANI

information), storing the code and network address into a memory(col. 2

lines 61-64), retrieving , at the second station, the data network address of

the first station by searching the memory for the code(inherently taught

because this data can be retrieved during subsequent communication),

establishing a communication channel between the first station and the

second station for voice communication over the data network, using the

data network address of said first station.(inherently taught because the IP

address of the first station is required to establish communication link over

the internet.

With regards to claim 42, Williams teaches a telephonic device

comprising: a compatibility module receiving an offer by a second stations

to establish voice communication (receiving computer detects incoming call

and extract ANI), the compatibility module for determining whether the

second station supports voice communication over a data

network(receiving computer recognizes phone number and terminates call),

wherein the offer includes a code uniquely identifying said second

station(phone number embedded in ANI); and a call initialization module for

establishing a communication channels with the second station(receiving

computer dials IPS to establish channels via the internet), the call

initialization module to automatically transmit an establish-communication

channel command which causes a communication channel to be

established between the first and second stations over the data network

based at least in part on the code(phone number in ANI) if it is determined

that said second station supports voice communication over the data

network.(once the receiving computer recognizes the phone number it dials

the ISP with the IP address of the originating caller and an internet

connection is established).

Claims 43, 46-47, 49, 50-51 are rejected under 35 U.S.C. 102(e) as

being anticipated by Ranalli et al.(6,539,077)

With regards to claim 43 Ranalli teaches a network server

comprising: a storage medium(Fig. 3@19) having stored therein a plurality

of programming modules including a registration module(col. 12 lines 29-

40), and address query module(inherently taught because all directory

servers have a search capability), and an address mapping module(col. 10

lines 48-57), wherein the registration module registers a code and a data

network address into memory in response to a register command

signal(registration of phone numbers mapped to IP addresses, col. 12 lines

29-40), the code uniquely identifying a first station(phone number) and the

data network address assigned to said first station when connected to a

data network(IP address col. 12 lines 45-48), the address query module for

causing a search to be performed on the memory, the search performed in

response to the command signal(inherently taught because a directory

server must have a search capability), and the address mapping module for

identifying the data address assigned to the first station based on a result

of the search(col. 12 lines 45-48); and a channel establishment module for establishing a communication channel between the first station and a second station, the communication channel supporting voice communication over the data network.(internet connection between caller and called devices).

With regards to claim 46, the first and second stations are telephonic devices(fig. 3).

With regards to claim 47, 49, 50-51Ranalli teaches a method comprising: receiving a data network address(IP address) for a first station(Fig. 1@3)at a second station(Fig. 1@1) via a first communication channel in a first network(connection between the DS and CS-1), the data network address identifying the first station(IP address of the EU-2), and the first network including a data network(internet) and an IP gateway(Fig. 1, CS-1, 2) providing access to a circuit switched network (Fig. 1, CS-1, 2 provides service to PSTN) serving the second station; disconnecting the first station and the second station from the first channel(the connection between the DS server and CS-1, is disconnected); and initiating a second communication channel over the second network between the first and second network for voice communication between the first and second

station(PSTN connection is established is there is no IP address found),

based on at least the data network address received at the second station.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 22-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Williams et al.(6,192,045)

With regards to claims 22-24, Williams teaches that connection of the

first station to the data network follows automatically when the second

station does not answer the PSTN call after two rings. Though a single

activation means is not taught, different designs could be used to achieve

the same results. Hence the features in these claims are obvious as a

matter of design choice.

Claims 44-45, 48 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ranalli et al.(6,539,077)

Claims 44-45 are rejected because official notice is taken that it is

well known in the art that authentication as well as call features are

supportable on the internet for security as well as providing different services such a call waiting etc.

Claim 48 is rejected because official notice is taken that it is well known that once the destination IP address is determined, the gateway serving the destination user can be determined and likewise the route.

Allowable Subject Matter

Claims 28-41, 55-61 allowed.

Claims 18-21, 52, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 571-272-3078. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this

application or proceeding should be directed to the receptionist whose

telephone number is 703-305-3900.

KNV
3/38/04

KENNETH VANDERPUYE
PRIMARY EXAMINER